

Case 3:19-cv-00375-TRM-HBG Document 139 Filed 09/27/21 Page 1 of 10 PageID #: 2590

Erie expects to call the following witnesses:

1. Defendant / Counter-Plaintiff Clair Rauser – c/o. his attorneys, David Draper and Jared Garceau;
2. Defendant / Counter-Plaintiff Carol Rauser – c/o her attorneys, David Draper and Jared Garceau;
3. Third Party Defendant Matthew Bryan – c/o his attorneys, Robert Crawford, Jeff Hubbard and Nathaniel Moore;
4. Third Party Defendant Michele Self – c/o her attorneys, Robert Crawford, Jeff Hubbard and Nathaniel Moore;
5. Keith Doak (Erie) – c/o his attorneys, S. Morris Hadden and Caroline Ross Williams;
6. Sean Ragland (Erie) – c/o his attorney, S. Morris Hadden and Caroline Ross Williams;
7. Farron Bolton – 200 Fox Road, Knoxville, TN 37922; (865) 690-5000;
8. Heather Pace – 1413 Overton Lane, Knoxville, TN 37923; (865) 690-5000
9. Caitlin Cook – 5610 J. Riley West Drive, Greenback, TN; (865) 518-6127
10. Aaron Lehnert – 2811 E. Lamar Alexander Parkway, Maryville, TN 37804; (865) 388-6713
11. Bernd Heinze – 610 Freedom Business Center, Suite 110, King of Prussia, PA 19406; (610) 992-0001
12. Gregory Landes – 3314 Harrells Lane Drive, Baton Rouge, LA 70816; (919) 805-1762
13. James Mahurin – 207 Third Avenue North, Franklin, TN 37064; (615) 790-0083

Erie may call the following witnesses if the need arises:

1. Nicole Shields (Erie);
2. Mark Trigilio (Erie);
3. Leanne Berndt (Erie);
4. Byron Hartzler – 211 North Seneca Road, Oak Ridge, TN 37830; (865) 254-9198;
5. Josh Elam, Fulghum Macindoe & Associates, Inc. – 10330 Hardin Valley Road, Suite 201, Knoxville, TN 37932; (865) 690-6419;
6. Jonathan Miller Architects & Design, 4814 Old Kington Pike, Knoxville, TN; (865) 602-2435;
7. Johnson Architecture, Inc, 2240 Sutherland Ave #105, Knoxville, TN; (865) 671-9060;
8. Any witnesses identified by Defendant / Counter-Plaintiffs Claire and Carol Rauser;
9. Any witness identified by Third Party Defendants Matthew Bryan, Michele Self and Hitson / Bryan Agency.

(A)(ii). The designation of those witnesses whose testimony the party expects to present by deposition, and if not taken stenographically, a transcript of the pertinent parts of the deposition.

1. Reed Malm

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| 8              | 1-5, 8-14        |  | 29             | 12-25          |
| 9              | 5-11             |  | 30             | 12-18          |
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| 13             | 4-5, 9-12, 22-24 |  | 35             | 18-25          |
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2. Matthew Peterson

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| 6              | 8-10           |  | 41             | 1-25           |
| 7              | 1-6            |  | 42             | 1-16           |
| 8              | 24-25          |  | 45             | 6-24           |
| 9              | 1-22           |  | 46             | 2-13           |
| 11             | 12-25          |  | 47             | 14-25          |
| 12             | 4-11           |  | 48             | 1-25           |
| 16             | 11-23          |  | 49             | 1-2            |
| 18             | 12-17          |  | 50             | 3-19           |
| 22             | 16-25          |  | 51             | 21-25          |
| 30             | 24-25          |  | 52             | 3-10           |
| 31             | 1-25           |  | 54             | 19-25          |
| 32             | 1-24           |  | 55             | 1-5            |
| 33             | 20-25          |  | 69             | 12-25          |
| 34             | 1-25           |  | 70             | 1-6            |
| 35             | 1-15           |  | 76             | 12-25          |
| 36             | 10-25          |  | 77             | 1-11           |
| 37             | 1-12, 16-25    |  | 86             | 23-25          |
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3. Lance Blair with the following designations of deposition testimony:

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| 6              | 13-25          | 54             | 1-14, 24-25    |
| 7              | 1-25           | 55             | 1-10, 25       |
| 8              | 1-25           | 56             | 1-25           |
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| 10             | 1-11           | 58             | 1-25           |
| 12             | 23-25          | 59             | 1-25           |
| 13             | 1-21           | 60             | 1-25           |
| 14             | 13-25          | 61             | 1-25           |
| 15             | 1-20           | 62             | 8-25           |
| 16             | 12-24          | 63             | 1-25           |
| 17             | 1-25           | 64             | 1-25           |
| 18             | 1-25           | 65             | 1-25           |
| 19             | 1-25           | 66             | 1-25           |
| 20             | 1-25           | 67             | 1-5, 23-25     |
| 21             | 1-19           | 68             | 1-3, 7-19      |
| 22             | 20-25          | 73             | 6-25           |
| 23             | 1-6, 21-25     | 74             | 1-25           |
| 24             | 1-25           | 75             | 1-17           |
| 25             | 1-25           | 76             | 14-23          |
| 26             | 1-25           | 94             | 2-25           |
| 27             | 1-25           | 95             | 1-19           |
| 28             | 1-25           | 96             | 19-25          |
| 29             | 1-25           | 97             | 1-25           |
| 30             | 1-9            | 98             | 1-16           |
| 31             | 21-25          | 102            | 1-5            |
| 36             | 3-25           | 103            | 1-14, 25       |
| 37             | 15-25          | 104            | 17-25          |
| 39             | 16-25          | 105            | 1-16           |
| 40             | 1-25           | 108            | 7-25           |
| 41             | 1-25           | 109            | 1-25           |
| 42             | 1-25           | 110            | 1-25           |
| 43             | 1-25           | 112            | 1-5, 16-17     |
| 44             | 1-25           | 113            | 2-9, 12-25     |
| 45             | 1-25           | 114            | 1-25           |
| 46             | 1-25           | 115            | 1-25           |
| 47             | 1-25           | 116            | 1-25           |
| 48             | 1-25           | 117            | 1-25           |
| 49             | 1-25           | 118            | 1-25           |
| 50             | 1-13           | 119            | 1-25           |
| 51             | 1-25           | 120            | 1-16           |
| 52             | 1-16           | 121            | 15-25          |
| 53             | 1-25           | 122            | 1-8            |

4. James Mauhrin with the following designations of deposition testimony:

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| 7              | 3-12           | 118            | 9-25           | 208            | 4-25           |
| 10             | 15-21          | 119            | 1              | 211            | 2-16, 25       |
| 11             | 22-25          | 125            | 1-4            | 212            | 1-3            |
| 13             | 1-13           | 128            | 25             | 214            | 14-17, 25      |
| 14             | 23-25          | 129            | 1-13           | 215            | 1-5, 12-25     |
| 15             | 1-25           | 130            | 1-25           | 216            | 12-23          |
| 16             | 1-12           | 132            | 9-14, 18-25    | 217            | 17-25          |
| 17             | 3-25           | 133            | 1              | 218            | 1-13           |
| 18             | 5-25           | 136            | 8-17, 23-25    | 225            | 11-21          |
| 19             | 1-25           | 137            | 1-18, 23-25    | 226            | 2-8            |
| 21             | 17-25          | 138            | 1, 5-22        | 228            | 21-25          |
| 22             | 1-19           | 142            | 23-25          | 229            | 1-14           |
| 23             | 1-25           | 143            | 1-11           | 233            | 20-23          |
| 24             | 16-25          | 144            | 11-25          | 241            | 1-25           |
| 25             | 1-6, 19-25     | 145            | 1-7            | 245            | 12-21, 23-25   |
| 26             | 1-7            | 150            | 4-25           | 246            | 1-17           |
| 31             | 14-25          | 151            | 1-25           | 247            | 13-25          |
| 32             | 1-10           | 152            | 2-6, 11-20     | 248            | 1-25           |
| 37             | 16-25          | 153            | 8-9            | 249            | 1-17           |
| 42             | 13-20          | 156            | 17-25          | 250            | 4-20, 21-25    |
| 45             | 4-17           | 157            | 1-10           | 251            | 1-25           |
| 47             | 2-25           | 158            | 19-23          | 252            | 1-3, 8-25      |
| 48             | 1-8            | 159            | 2-4, 18-25     | 253            | 1-25           |
| 54             | 16-22          | 160            | 24-25          | 254            | 7-25           |
| 55             | 8-24           | 161            | 1-22           | 255            | 1-18, 24-25    |
| 57             | 4-16           | 164            | 4-18           | 256            | 1, 10-25       |
| 59             | 9-24           | 169            | 8-21           | 257            | 1-25           |
| 60             | 18-22          | 171            | 15-19          | 258            | 1-20, 23-25    |
| 65             | 14-20          | 180            | 9-17           | 259            | 1-11, 13-20    |
| 67             | 7-15           | 188            | 6-25           | 260            | 1-25           |
| 69             | 6-25           | 189            | 1-20           | 261            | 1-25           |
| 70             | 1-9            | 196            | 15-25          | 262            | 1-8            |
| 77             | 13-25          | 197            | 1-15           | 263            | 18-25          |
| 78             | 1-10           | 198            | 1-6, 24-25     | 264            | 1-25           |
| 80             | 2-12           | 199            | 1-25           | 265            | 1-7, 10-24     |
| 81             | 8-25           | 201            | 10-25          | 266            | 1-25           |
| 82             | 1-3            | 202            | 1-11           | 267            | 3-15, 16-25    |
| 87             | 10-14          | 203            | 20-24          | 268            | 1-4, 7-25      |
| 92             | 4-19           | 205            | 16-22          | 269            | 1-4            |
| 99             | 5-18           | 206            | 5-9, 15-25     | 273            | 11-13          |
| 113            | 11-22          | 207            | 1-4, 14-21     | 276            | 10-18, 19-25   |
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5. Mark Trigilio with the following designations of deposition testimony:

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|----------------|----------------|----------------|----------------|----------------|----------------|
| 6              | 9-25           | 54             | 2-4, 10-25     | 129            | 13-25          |
| 7              | 1-3            | 55             | 9-22           | 130            | 1-25           |
| 9              | 3-5, 22-25     | 56             | 23-25          | 131            | 1-4            |
| 10             | 1-25           | 57             | 1-25           | 132            | 22-25          |
| 11             | 1-10           | 58             | 1-25           | 135            | 8-25           |
| 12             | 17-25          | 59             | 1-25           | 136            | 1-2            |
| 13             | 1-25           | 60             | 1-25           | 138            | 1-11           |
| 14             | 18-25          | 61             | 1-25           | 140            | 10-25          |
| 15             | 1-8            | 62             | 1-15           | 141            | 1-21           |
| 17             | 1-10           | 63             | 1-25           | 144            | 3-17           |
| 18             | 1-25           | 69             | 1-11, 22-25    | 149            | 17-25          |
| 28             | 17-25          | 70             | 1-6, 14-25     | 150            | 1-9            |
| 29             | 1-11           | 71             | 1-16           | 157            | 10-17          |
| 30             | 6-25           | 74             | 7-20           | 164            | 25             |
| 31             | 1-25           | 79             | 2-24           | 165            | 1-11           |
| 32             | 1-24           | 80             | 7-25           | 181            | 17-22          |
| 33             | 1-25           | 81             | 1-25           | 184            | 4-17           |
| 34             | 1-25           | 82             | 1-25           | 185            | 4-25           |
| 35             | 1-25           | 83             | 1-25           | 186            | 1-17           |
| 36             | 1-25           | 84             | 1-16           | 188            | 5-25           |
| 37             | 1-25           | 102            | 21-25          | 189            | 1-8            |
| 38             | 1-5            | 103            | 1-7            | 194            |                |
| 39             | 4-18           | 104            | 3-20           | 195            |                |
| 40             | 7-25           | 105            | 15-25          | 196            |                |
| 41             | 1-25           | 107            | 17-25          | 201            |                |
| 42             | 1-11           | 108            | 13-24          | 202            |                |
| 43             | 17-25          | 118            | 25             |                |                |
| 44             | 1-17           | 119            | 1-25           |                |                |
| 46             | 19-24          | 120            | 1-7            | 203            | 1-25           |
| 48             | 19-25          | 123            | 25             | 204            | 1-25           |
| 49             | 1              | 124            | 19-25          | 205            | 1-25           |
| 50             | 25             | 125            | 1-25           | 206            | 24-25          |
| 51             | 1-25           | 126            | 7-20           | 207            | 1-25           |
| 52             | 1-25           | 127            | 12-25          | 208            | 1-14, 23-25    |
| 53             | 1-10           | 128            | 1-20           | 209            | 1-17           |

6. Leanne Berndt

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| 3              | 9              | 31             | 1-11           |
| 4              | 23-25          | 39             | 11-18          |
| 5              | 1-11           | 41             | 2-7            |
| 8              | 9-11           | 42             | 1-5, 4-7, 25   |
| 10             | 12-15, 21-25   | 42             | 1-5, 4-7, 25   |
| 13             | 23-25          | 44             | 25             |
| 16             | 1-17           | 45             | 1-10           |
| 20             | 1-7            | 46             | 11-15          |
| 23             | 20-25          | 48             | 7-25           |
| 24             | 1, 11-17       | 49             | 9-13, 24-25    |
| 26             | 10-15          | 50             | 3-25           |
| 28             | 8-25           | 51             | 9-25           |
| 29             | 9-25           | 52             | 1-7            |
| 30             | 1-8            |                |                |

7. Nicole Shields

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|----------------|----------------|----------------|----------------|----------------|----------------|
| 5              | 7-20           | 47             | 1-15           | 141            | 4-17           |
| 9              | 15-25          | 52             | 3-12           | 160            | 13-25          |
| 10             | 13-25          | 55             | 8-25           | 161            | 1-11           |
| 11             | 1-25           | 61             | 14-25          | 168            | 4-25           |
| 12             | 1-25           | 62             | 1-14           | 169            | 1-4            |
| 13             | 1-18           | 68             | 1-25           | 171            | 17-25          |
| 22             | 2-25           | 69             | 23-25          | 172            | 1-23           |
| 23             | 1-19, 23-25    | 70             | 1-9, 20-25     | 188            | 6-23           |
| 24             | 1-9, 24-25     | 71             | 1-11, 16-25    | 189            | 1-25           |
| 25             | 1-7            | 72             | 1-18, 23-25    | 190            | 1-2            |
| 27             | 19-25          | 73             | 1-22           | 191            | 1-10, 18-25    |
| 28             | 1-22           | 76             | 16-25          | 192            | 1-25           |
| 29             | 9-25           | 78             | 3-16           | 193            | 1-25           |
| 30             | 9-20           | 82             | 19-24          | 194            | 1-22           |
| 31             | 21-25          | 97             | 3-14, 19-25    | 196            | 10-20          |
| 32             | 1-25           | 98             | 1-8, 14-25     | 227            | 1-4, 11-21     |
| 33             | 1-8, 12-15     | 99             | 1-2            |                |                |
| 34             | 3-16, 22-25    | 100            | 9-25           |                |                |
| 35             | 1-21           | 101            | 1-3            |                |                |
| 36             | 16-25          | 102            | 24-25          |                |                |
| 37             | 1-25           | 103            | 1-17           |                |                |
| 38             | 1-3, 12-25     | 107            | 5-13           |                |                |
| 39             | 1, 22-24       | 134            | 19-25          |                |                |
| 44             | 25             | 135            | 1-9            |                |                |
| 45             | 1-18, 24-25    | 137            | 18-25          |                |                |
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- (A)(iii). An identification of each document or other exhibit, including summaries of others evidence – separately identifying those items the party expects to offer and those it may offer if the need arises.

Erie expects to offer the following documents or exhibits at trial:

1. Certified copy of policies of insurance issued by Erie to Rausers (ERIE746-800)
2. ErieSecure Home Application (ERIE669-671);
3. Homeowners Insurance – Request a Quote (Exhibit 15 to depositions);
4. MSBs (ERIE7551-7554; ERIE7547-7550);
5. Hitson Insurance Checklist (Exhibit 19 to depositions)
6. Hitson Insurance Quote (Exhibit 20 to depositions)
7. Bolton Documents (BOLTON001-043);
8. Pinnacle Bank documents (including appraisal by Southern Appraisal Company);
9. Wall Street Journal Article (ERIE733-745);
10. Email and blank Hitson Insurance Quote for Homeowners Ins. (AGENCYFILE 296-297);
11. Email and completed Hitson Insurance Quote for Homeowners Ins. (AGENCYFILE 292-293);
12. Building Permit (ERIE668);
13. Email and ErieSecure home Quote (AGENCYFILE 282-286);
14. ErieSecure Home Application (AGENCYFILE 138-140);
15. Handwritten notes by Sean Ragland (Exhibit 78 to depositions);
16. Photographs (Exhibit 79 to depositions);
17. A&M Building Construction Contract (several revised versions)
18. Email and insurance quote (Exhibit 91 to depositions)
19. Emails between Cook to Rauser (ERIE2040-2043)
20. Records of Matthew Peterson, North Dakota insurance agent (MMA-CR-00001-104)
21. Email regarding insurance quote of \$3.5M (ERIE1126-34)
22. Cease and Desist letter
23. Background documents on Rauser companies (collective) (Exhibit 96 to depositions)
24. Construction invoices / receipts (ERIE2572-4598)
25. Erie accounting for construction invoices prepared by Morgan Johnson Carpenter;
26. Emails between Rauser and builders regarding completion (RAUSER018294-95; 018296-98; 018307-09; 018310-12; 018383-95; 018332-395)
27. Declarations Page for Rauser North Dakota residence MMA-CR-00015-17)
28. Email between Rauser and William Hirsch (RAUSER09870-73);
29. Rauser email (RAUSER011019);
30. Rauser change order (RAUSER010742-43);
31. Rauser email (RAUSER018291);
32. Rauser email (RAUSER018200);
33. Rauser email (RAUSER015854-016061) ;
34. Rauser email (RAUSER012605) ;
35. Rauser email (RAUSER017865-017448) ;
36. All documents produced in discovery by any party;
37. CV of Gregory Landes (Exhibit 95 to depositions);
38. Report of Gregory Landes;
39. CV of Bernd Heinze;
40. Report of Bernd Heinze;



41. CV of James Mauhrin;
42. Report of James Mauhrin;
43. Recorded statement of Claire Rauser (ERIE4683-4686);
44. Any other exhibits listed by any other party.

Erie may use the following exhibits if the need arises:

1. Deposition transcripts (including all exhibits) of all witnesses/parties taken in this action;
2. Transcript of Examination Under Oath (including exhibits) of Claire Rauser (ERIE402-665);
3. Documents of Byron Hartzler;
4. Documents of Jonathan Miller Architecture & Design;
5. Documents of Johnson Architecture, Inc.;
6. Opinion/Order by District Court of North Carolina in Relistar Life Insurance Company v. Laschkewitsch re: Motion to Exclude Daryll Martin
7. Erie Underwriting Guidelines (ERIE 6415-6439);
8. Erie Underwriting Procedure Manual (ERIE6440-6624);
9. Erie Property Procedure and Policy Manual (Exhibit 83 to depositions)
10. Reservation of Rights Letter, dated May 8, 2019 (Exhibit 34 to depositions);
11. Reservation of Rights Letter, dated May 21, 2019 (Exhibit 35 to depositions);
12. Proof of Loss (ERIE672);
13. Blueprints for Rauser construction.

## ERIE INSURANCE COMPANY

By: /s/ S. Morris Hadden  
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Caroline Ross Williams (BPR #: 029454)  
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(330) 670-7324; Fax: (330) 670-7440  
Email: [kcalderone@hcplaw.net](mailto:kcalderone@hcplaw.net)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing *Pre-Trial Disclosures of Erie Insurance Company* has been served by United States Mail, postage prepaid, to the office of counsel of record, on this the 27th day of September, 2021, as follows:

David A. Draper, Esq.  
Jared S. Garceau, Esq.  
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Jeffrey P. Hubbard, Esq.  
ADMITTED PRO HAC VICE  
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Ridgeland, MS 39157

**HUNTER, SMITH & DAVIS, LLP**

/s/ S. Morris Hadden  
S. Morris Hadden